GREEN PURCHASING

Office of the Federal Environmental Executive U.S. Army Center for Health Promotion and Preventive Medicine

UNIT 1

TARGETING DIFFERENT AUDIENCES

PURCHASE CARD HOLDERS

- Why buy green?
- Regulations
- The CPG and RMANs
- Sources
- Resources

CONTRACT PERSONNEL

- Why buy green?
- Regulations
- The CPG and the RMANs
- The FAR
- Responsibilities
- Contracting

CONTRACT PERSONNEL

- **■** The three exceptions
- Resources
- Enforcement
- Reporting

MANAGEMENT PERSONNEL

- Why buy green?
- Regulations
- The CPG and the RMANs
- Implementation
- Resources

UNIT 2

INTRODUCING GREEN PURCHASING

WHY BUY GREEN?

- Conserve resources, including energy
- Improve our environmental footprint
- Market development
- Economic benefits

WHY BUY RECYCLED?

- Conserve resources
- Market development
- Improve our environmental footprint
- Economic benefits

WHY BUY GREEN?

It's the law!

MYTHS ABOUT BUYING GREEN

- President Bush revoked the greening the government Executive Orders.
- Inconsistent with efforts to be more like corporate America.
- Inconsistent with buying COTS items.
- Inconsistent with requirement to buy from mandatory sources.

GREEN PURCHASING ENCOMPASSES

- Recycled content products
- Environmentally preferable products
- Biobased products
- Energy- and water-efficient products
- Alternative fuel vehicles/alternative fuels
- Non-ozone depleting substances

MANDATES

- Resource Conservation and Recovery Act (RCRA), Section 6002
- Farm Security and Rural Investment Act (2002 Farm Bill), Section 9002
- E.O. 13101, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition
- Federal Acquisition Regulation

UNIT 3

EXECUTIVE ORDERS

EXECUTIVE ORDER 13101

Greening the Government through Waste Prevention, Recycling, and Federal Acquisition

- Implements RCRA Section 6002
- Issued on Sept. 14, 1998

E.O. 13101 Provisions

- Creates a White House Steering Committee on Greening the Government Through Waste Prevention, Recycling and Federal Acquisition.
- The Steering Committee is comprised of:
 - Chair of the Council on Environmental Quality (CEQ)
 - Federal Environmental Executive (FEE)
 - Administrator for the Office of Federal Procurement Policy (OFPP)

E.O. 13101 Provisions

- Establishes a White House Task Force
- Institutes an Agency Environmental Executive position within each agency, at the Assistant Secretary level, responsible for ensuring the implementation of this order
 - NASA's AEE is Olga Dominguez, Director of the Environmental Management Division.

E.O. 13101 Provisions – Agencies

- Affirmative Procurement Plan
- Track and report
- Acquisition planning
- Environmentally preferable products pilots
- Recycled content paper, re-refined oil, and retread tires

E.O. 13101 Provisions – Agencies

- Waste diversion and purchasing goals
- Contractor compliance
- Waste prevention and recycling
- Training

E.O. 13101 Provisions – Micro-purchases

- RCRA and E.O. 13101 apply.
- You must buy recycled-content products when purchasing below \$2,500.
- No written justification is needed.

E.O. 13101 Provisions – Micro-purchases

- Training and education needed.
- Guidance regarding purchasing of recycled content products.

E.O.13101 Provisions – Acquisition Planning

Agencies must consider these factors in acquisition planning:

- Elimination of virgin material requirements
- Use of biobased products
- Use of recovered materials
- Product reuse and life cycle cost
- Recyclability
- Use of environmentally preferable products
- Waste prevention including toxicity reduction/elimination; and
- Ultimate disposal

E.O.13101 Provisions – EPA Requirements

- Provide guidance on environmentally preferable purchasing.
- Designate recycled content products.
- Conduct compliance inspections at Federal facilities.

E.O.13101 Provisions – Facility Requirements

- Designate recycling coordinator.
- Buy green.
- Provide training.
- Track and report on purchases of recycled content products.

Related Executive Orders

- E.O. 13123 Greening the Government Through Efficient Energy Management
- E.O. 13148 Greening the Government Through Leadership in Environmental Management
- E.O. 13149 Greening the Government Through Federal Fleet and Transportation
- E.O. 13221 Energy Efficient Standby Power Devices

UNIT 4

THE FEDERAL ACQUISITION REGULATION

Overview

- Environmental considerations incorporated as of June 6, 2000.
- Strengthens and enhances previous environmental language contained in the FAR.
- Office of Federal Procurement Policy (OFPP) Letter 92-4, Procurement of Environmentally Sound and Energy Efficient Products and Services.

FAR Part 23 Environmental Considerations

- Subchapter D, Part 23- ENVIRONMENT CONSERVATION, OCCUPATIONAL SAFTEY, AND DRUG-FREE WORKPLACE
- 23.403 Policy- Government policy on the use of recovered materials considers cost, availability of competition, and performance. The objective is to acquire competitively, in a cost-effective manner, products that meet reasonable performance requirements and that are composed of the highest percentage of recovered materials practicable.

FAR Part 23 Environmental Considerations

■ 23.703 Policy- Government policy on the acquisition of environmentally preferable and energy efficient products and services. Promotes cost-effective waste reduction and consideration of biobased products.

FAR Part 7 Acquisition Planning

- FAR Part 7 now contains strong language that emphasizes procurement of recycled content and environmentally preferable products and services.
- Part 7.103: Agency heads must ensure that agency planners specify needs for printing and writing paper consistent with the minimum content standards, and comply with the policy regarding procurement of products containing recovered materials, and environmentally preferable and energy-efficient products and services.

FAR Part 7 Acquisition Planning

■ Part 7.105(b)(16): Requires written acquisition plans to: "discuss all applicable environmental and energy conservation objectives associated with the acquisition…"

FAR Part 7 Acquisition Planning

- Be sure the entire acquisition planning team is aware of the FAR Part 7 requirements.
- Some agencies have assigned one individual as an environmental advocate who is tasked with ensuring that environmental considerations are included in all procurement decisions.

FAR Part 11 Describing Agency Needs

The FAR now requires agencies to consider the use of recovered materials, environmentally preferable purchasing criteria developed by EPA, and environmental objectives when developing specifications and standards describing government requirements and developing source selection factors.

FAR Part 11 Describing Agency Needs

■ **Subpart 11.303** addresses the 30% post-consumer content standard for printing and writing paper established by E.O. 13101.

FAR Part 12 Acq. Of Commercial Items

■ 12.301(e)(3)

The contracting officer may use the provisions and clauses contained in Part 23 regarding the use of recovered material when appropriate for the item being acquired.

FAR Part 13 Acquisition Procedures

- 13.201 The procurement requirements in RCRA and E.O. 13101 apply to purchases at or below the micro-purchase threshold.
- **13.006** Estimation provisions don't apply to micro-purchases.

FAR Part 36 A-E Selection Criteria

- FAR Part 36 covers selection of Architectural Engineer (A-E) firms for construction projects.
- FAR 36.602-1 provides selection criteria for A-E firms, requiring specialized experience and technical competence in energy conservation, pollution prevention, waste reduction and the use of recovered materials as appropriate.

FAR Part 37 Performance-Based Contracts

- FAR Part 37 provides that performance-based contracting is the preferred method for acquiring services except for:
 - Architect-engineer services
 - Construction
 - Utility services
 - Services that are incidental to supply purchases

FAR Part 37 Performance-Based Contracts

 Performance-based contracting was used successfully to incorporate green elements into the Pentagon renovations.

FAR Part 23 Environmental Considerations

FAR 23.404(b)(3) Agency affirmative procurement programs must require that 100% of purchases of EPA-designated products contain recovered material, unless the item cannot be acquired:

-at a reasonable price, in a reasonable time, or to meet reasonable performance needs

FAR Part 23 Energy Considerations

- December 18, 2001 Revisions to Subpart 23.2 Energy and Water Efficiency and Renewable Energy.
- Also revised Parts 11 and 15 to incorporate energy considerations and Part 42 to require ACOs to monitor contractor compliance.

FAR Part 23 Energy Considerations

■ New FAR 23.202: The Government's policy is to acquire supplies and services that promote energy and water efficiency, advance the use of renewable energy products, and help foster markets for emerging technologies. This policy extends to all acquisitions, including those below the simplified acquisition threshold.

FAR Part 23.2 Energy Considerations

- Energy- and water-efficient products and services
- Products that use renewable technology
- Energy-savings performance contracts

The "Vampires"

- E.O. 13221 directs agencies to purchase devices with minimal standby power at or below one watt where available.
- A FAR revision is pending.
- DOE's list of these "vampire" devices is available at

http://www.eren.doe.gov/femp/procurement

FAR Part 52 Contract Clauses

- **■** For affirmative procurement:
 - FAR 52.223-4 Recovered Materials Certification
 - FAR 52.223-9 Certification and Estimate of Percentage of Recovered Material Content for EPA Designated Items

(Use only on contracts exceeding \$100,000.)

- For pollution prevention in general:
 - FAR 52.223-10 Waste Reduction Program

UNIT 5

RECYCLED CONTENT PRODUCTS

RCRA Section 6002

- The Resource Conservation and Recovery Act (RCRA, 42 USC 6962) of 1976
 - Provides a mechanism to increase government purchasing of recycled content products.
 - Designed to help stimulate markets for materials recovered from solid waste by using the government's purchasing power.

Applies to all Federal agencies and to their contractors who will supply or use EPA-designated products in the performance of the contract.

- Procuring Agency any Federal agency, or any state agency or contractor using appropriated
 Federal funds for a procurement.
- Applies for procurements exceeding \$10,000 in a year.
- \$10,000 threshold applies to an entire agency (I.e., NASA as a whole).

- Procuring agencies must buy recycled unless the product:
 - Is only available at an unreasonable price.
 - Will not meet reasonable performance standards.
 - Is unavailable within a reasonable timeframe or at a sufficient level of competition.

- Contracting Officers Shall Require Vendors to:
 - Certify that the percentage of recovered material to be used will meet the contract specifications.
 - Estimate the percentage of the total amount of recovered materials used in the execution of the contract.

Specification Revisions

- Eliminate requirements that products contain virgin materials or cannot contain recycled materials.
- Require the use of recycled materials to the maximum extent possible.
- Example: NASA revised 23 sections of its construction specs to incorporate EPA-designated products.
- http://si.ksc.nasa.gov/specsintact/index.asp

Affirmative Procurement Programs

- An APP is an agency's strategy for maximizing its purchases of products designated by EPA.
- It is recommended that each procuring agency develop one overall APP identifying which designated products the agency purchases. When EPA designates additional products, agencies can simply revise the APP as appropriate.

Affirmative Procurement Programs

- NPG 8830.1 NASA's Affirmative Procurement Program
- NASA Procurement Information Circular 01-27 – Applicability of Affirmative Procurement

http://environmental.ksc.nasa.gov/recycle/intro.html

Reporting

- Biennial Report to Congress
- Now using FPDS data
- Focus on auditing compliance rather than bean counting

What We Must Do

Once EPA designates a procurement item or product category, procuring agencies are required to comply within one year of the date the addition to the Comprehensive Procurement Guidelines (CPG) occurs, by purchasing the item with the highest recovered materials content level practicable.

RECOVERED MATERIALS ADVISORY NOTICES (RMANs)

- RMANs provide recycled content recommendations and guidance on buying recycled-content products.
 - Applicable specifications.
 - Barriers to buying recycled content products.

Status of EPA Buy-Recycled Program

To date, the EPA has designated 54 items in 8 categories.

CPG Product Categories

- Paper and Paper Products
- Vehicles
- Construction
- Transportation
- Parks and Recreation
- Landscaping
- Non-Paper Office Products
- Miscellaneous

Example Designation

Engine lubricating oils, hydraulic fluids, and gear oils, excluding marine and aviation oils.

CPG List Paper and Paper Products

- Printing and writing papers
- Tissue and towel products
- Newsprint
- Paperboard and packaging products
- Miscellaneous products

CPG List Vehicular Products

- Engine coolants
- Re-refined lubricating oils
- Retread tires

CPG List Construction Products

- Building insulation
- Carpet
- Cement & concrete containing:
 - Coal fly ash
 - Ground granulated blast furnace slag
- Latex paint

- Floor tiles
- Carpet cushion
- Flowable fill
- Railroad grade crossings/surfaces
- Laminated paperboard
- Patio blocks
- Shower & restroom dividers/partitions
- Structural fiberboard

CPG List Transportation Products

- Channelizers
- Delineators
- Flexible delineators
- Parking stops
- Traffic barricades
- Traffic cones

CPG List Landscaping Products

- Garden and soaker hoses
- Hydraulic mulch
- Lawn and garden edging
- Yard trimmings compost
- Food waste compost
- Landscaping timbers and posts (plastic lumber)

CPG List Park and Recreation Products

- Plastic fencing
- Playground surfaces
- Running tracks
- Park and recreational furniture
- Playground equipment

CPG List Non-Paper Office Products

- Binders (paper, plastic covered)
- Office recycling containers
- Office waste receptacles
- Plastic desktop accessories
- Plastic envelopes
- Plastic trash bags

- Printer ribbons
- Toner cartridges
- Plastic binders (solid)
- Plastic clipboards
- Plastic clip portfolios
- Plastic file folders
- Plastic presentation folders

CPG List Miscellaneous Products

- Pallets
- Sorbents
- Awards and plaques
- Industrial drums
- Mats
- Signage
- Strapping and stretch wrap

CPG Web Site

http://www.epa.gov/cpg

Click on "Products" and scroll down to the specific product.

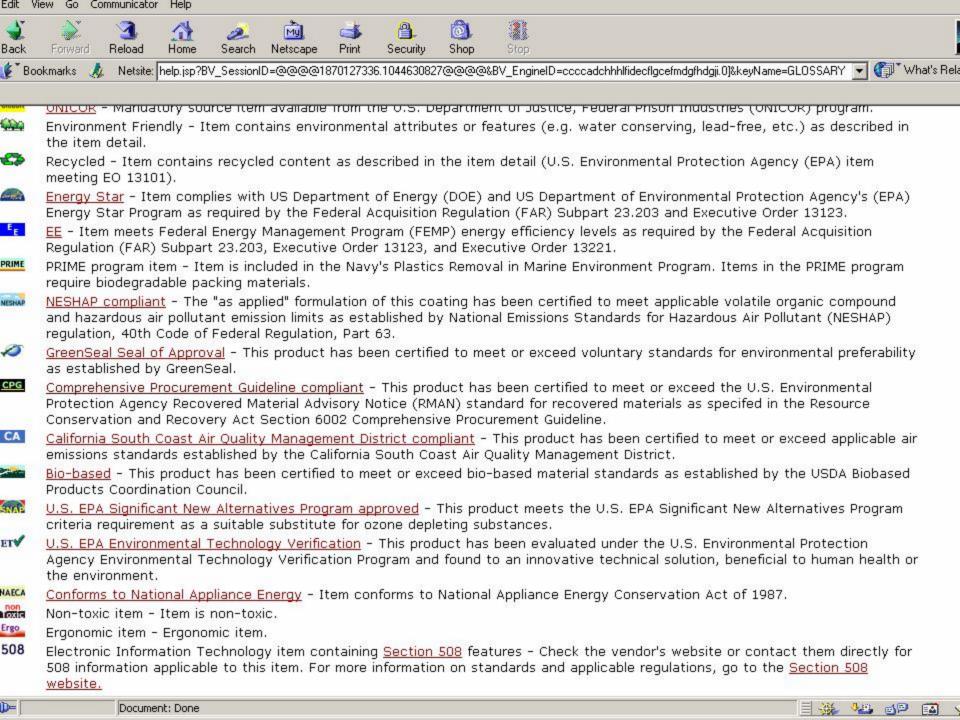
Sources: General Services Administration (GSA)

- Highlights the products that have environmentally preferable characteristics.
- Uses recognizable environmental symbols in catalogs and on-line systems.

Product Catalog Sources

■ GSA Environmental Programs

http://www.gsa.gov/Portal/content/offerings_content.j sp?contentOID=117609&contentType=1004



Defense Logistics Agency (DLA)

- DLA has hundreds of environmental products in its supply system ranging from citrus-based degreasers to natural conservation products.
- Examples of green products, by DLA category:
 - Petroleum, oils, and lubricants
 - Remanufactured/recycled laser
 - Printer toner cartridges
 - Reusable batteries and battery accessories
 - Aircraft cleaning compounds
 - Recycled lumber products
 - Natural resource conservation products

DLA ENACS

- EB Re-refined oil
- EE Reclaimed engine coolant
- E4 Remanufactured toner cartridges
- E9 Other EPA-designated recycled content products
- FG or GC Energy efficient
- FV or FT Water efficient

Look for the green tree or the green star.

Product Catalog Sources

- Environmentally Preferred Product Catalog
 On the website below, or call 1-800-345-6333
 or DSN 695-4865
- Energy Efficient Lighting Catalog
 On the website below, or call 1-800-DLA-BULB
 http://www.dscr.dla.mil/catalogs/catalog.htm
- For specific DLA product information:
 http://www.dscr.dla.mil/products/epa/eppcat.htm

Javits-Wagner-O'Day Program

- Examples of green products furnished by JWOD:
 - File folders, clipboards that comply with EO 13101
 - Loose-leaf binders made from 100% recycled materials
 - Mailing and filing tubes made from 80% recycled materials
 - Environmentally preferable cleaners
 - Business cards printed on 30% postconsumer paper

Product Catalog Sources

- Certain JWOD program items are also listed in the GSA Environmental Products catalog
- Contact information for JWOD program:
 - (703) 603-7740 fax (703) 603-0655. E-mail to **info@jwod.gov**
 - http://www.jwod.gov for the main page
 - http://www.jwod.com for the electronic catalog

UNICOR

- Mandatory source of products for Federal agencies.
- Provides everything from computer furniture, circuit board assemblies, and computer demanufacturing to exterior signage, environmental testing, toner cartridges, textiles, printing and laundry services.

www.unicor.gov

phone: 800-827-3168

fax: 859-254-9692

Additional Websites

Small Business Administration

www.pro-net.sba.gov

Biobased Products Information

http://www.ars.usda.gov/bbcc/

UNIT 6

ENVIRONMENTALLY PREFERABLE PURCHASING

Environmentally Preferable

Products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose.

EPA's Five Guiding Principles

- Environment + Price + Performance = EPP
- Pollution Prevention
- Life Cycle/Multiple Attributes
- Comparison of Environmental Impacts
- Environmental Performance Information

Example Environmental Attributes

- Recycled content
- Energy or water efficiency
- Reduced toxicity or hazardousness
- Reduced packaging
- Recyclability
- Low or no VOCs

Finding Environmentally Preferable Products

- GSA Advantage!
- Defense Logistics Agency
- JWOD
- UNICOR
- EPA EPP web site:

www.epa.gov/opptintr/epp

EPP in Contracts

- Janitorial services
- Landscaping services
- Administration
- Material/WasteManagement
- Copier/OfficeEquipment

- Construction
- Renovation
- Maintenance
- Facility Management
- Fleet Maintenance
- Printing

Sample Language

All non-chemical products proposed for use under this contract must conform to the Environmental Protection Agency (EPA) Comprehensive Procurement Guidelines (CPG) if the products are EPA-designated. It is desirable for products that meet the desired objective (e.g., ability to clean effectively) and are not CPGdesignated items also contain the highest possible amounts (by percentage) of recovered material(s) and postconsumer content.

Sample Language

Prior to contract award, the successful bidder must identify all janitorial products intended to be used in providing janitorial services by product name, manufacturer name, and product type. (Examples of product type include glass cleaner, toilet bowl cleaner, tub/tile cleaner, air freshener, furniture polish, spot remover, floor finish, disinfectant, and graffiti remover.) In addition, the successful bidder must submit documentation that provides proof that all ingredients, both active and inert, in each of the janitorial products identified for use in execution of the contract, adhere to the criteria specified as mandatory product attributes below.

Sample Language

■ EPA's EPP web site provides examples and references to standards, specifications, and example contract language.

www.epa.gov/opptintr/epp

UNIT 7

BIOBASED PRODUCTS

Biobased Products

A commercial or industrial product (other than food or feed) that is composed in whole or in significant part, of biological products or renewable domestic agricultural (plant, animal, and marine) or forestry materials

Example: Citrus-based cleaners

2002 Farm Bill

Establishes a buy bio program similar to the buy recycled program:

- USDA designates biobased products and recommends content levels.
- Agencies establish affirmative procurement programs and purchase the USDA-designated products.
- OFPP reports biennially to Congress.

2002 Farm Bill

 One key difference is USDA is authorized to create a voluntary labeling program for biobased products.

Proposed Biobased Product Category List

- Adhesives
- Construction materials and composites
- Fibers, paper, and packaging
- Fuel additives
- Landscaping materials and compost

- Lubricants and functional fluids
- Plastics
- Paints and coatings
- Solvents and cleaners
- Sorbents
- Vegetable oil inks

UNIT 8

WHAT ABOUT PRICE?

Cost Comparison of Green Purchasing

■ Truck Tires (Common Truck Tire Size, 11R22-5)

\$240 - \$295

Retread Truck Tires

\$89 - \$110

■ 10W30 Virgin Lube Oil (box)

\$10.81

Re-refined Lube Oil (box)

\$10.67

Cost Comparison of Green Purchasing

Military Spec Lubricating Oil, 15W40

Virgin (drum)

\$211.08

Re-refined (closed loop program) \$167.02

Copier paper (truckload prices)

Virgin paper

\$4.08

30% Postconsumer Paper

\$4.16

Cost Comparison of Green Purchasing

Toner Cartridge (HP series 4 machines)
 \$99.89
 Remanufactured Toner Cartridge (HP series 4)
 \$52.00

3-Ring Binder (3" w/ clear cover) \$9.16

3-Ring, Recycled Content Binder (JWOD, 3" w/ clear cover)

\$4.46

UNIT 9

EXAMPLES OF BUYING GREEN

Examples of Buying Green

- Mechanisms include:
 - Service contracts (NASA and DOI)
 - Statements of work (EPA Kansas City)
 - Acquisition planning (DoD parking lot)
 - Substitution policies
 - Agency policies
 - Evaluating past performance

UNIT 10

PROGRAM IMPLEMENTATION STRATEGIES

Leadership

- Facility-wide purchasing policy
 - Organizational commitment
 - Responsible entities
 - Participation required
 - Goals
 - Implementation guidelines

Teamwork

- Contracting/procurement
- Environmental
- Training
- Retail/dining facilities
- Facility contractors
- Logistics/supply
- Legal

- Tenant activities
- Acquisition
- Engineering/planning
- Purchase card admin.
- NAF activities
- Public affairs

Responsibilities

- Define who is responsible for what
 - Green procurement team
 - Contracting
 - Specifiers

Promotion and Training

- Target audiences and provide specialized training to each.
- Promote the program internally and externally.

Annual Reporting Requirements

- RCRA section 6002 requires OFPP to report to Congress biennially on Federal agency implementation of the buy recycled requirements.
- E.O. 13101 requires the FEE to report to the President on implementation of the E.O.

Annual Reporting Requirements

- OFPP and OFEE jointly prepare the biennial Report to Congress and collaborate in the report to the President.
- Only the 6 largest procuring agencies are required to report on their purchases of EPA-designated products.
- Beginning in FY 2004, all Federal agencies will be required to report.

Reporting Tools

- Federal Procurement Data System data from SF 279 and DD 350
- GSA and DLA data from their stock programs
- Agency data on 8 indicator items
- Data for office supply products vendors

Making Reporting Work

- Identify how EPA-designated products are purchased (e.g., contract, purchase card).
- Provide training on completing the buyrecycled related data elements in the DD 350 or SF 279.

Tracking and Monitoring

- Can be manual or automated.
- NETS

UNIT 11

GOALS AND PERFORMANCE MEASURES

E.O. 13101 Requirements

- Establish goals for solid waste prevention, recycling, or waste diversion to be achieved by 2005 and 2010.
- Establish goals to increase the purchase of recycled content products.
- Establish goals to increase the use of environmentally preferable products.

E.O. 13101 Requirements

- Encourages agencies to include goals in GPRA goals.
- Report progress to the FEE.

Example Goal

From Department of the Interior's Strategic Plan:

Divert solid waste from disposal in landfills through recycling at the rate of 40% by the year 2000, 45% by year 2005, and 50% by year 2010.

Metrics

- Performance measures should be quantifiable and measurable.
- Measures can be increments towards the established goals.

UNIT 12

COMPLIANCE

Compliance Mechanisms

- EPA compliance inspections at Federal facilities.
- Began in FY 2000
- Notices of Violation or Compliance Agreements possible
- Citizen Suits Possible
- No Administrative Penalties (Fines)

EPA Compliance Inspection Target Areas

- Original Target: Motor Pools (vehicular products)
- Current Targets:
 - Contracting
 - Credit Card Administrator

RCRA Section 6002 Questionnaire

- Sent to facility prior to field inspection.
- Questionnaire contents:
 - Program Awareness
 - Environmental and Procurement Managers
 - Facility Procurement Policies
 - Written and Specific to Facility
 - Promoted to Facility Personnel
 - How Monitored and Tracked
 - Responsibility for Program
 - Vendor Notifications

RCRA Section 6002 Questionnaire

- Questionnaire contents, cont'd
 - Acquisition/Procurement Planning Process
 - Emphasize purchase of recycled products
 - Facility is asked to provide a copy of contract or procurement document that reflects this
 - Credit Card Purchases
 - Credit Card Users Informed
 - Records Kept for Purchases of Designated Items (Yes/No question)

For More Information

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